REMARKS

Claims 1-7, 9-14, and 17-20 are pending in this application.

Applicants have amended claims 1, 11, 12, and 20. The changes to these claims made herein do not introduce any new matter.

Interview

Applicants appreciate the courtesies extended by the Examiner during the telephonic interview conducted on July 30, 2009 (the participants included the Examiner (Stephanie Ziegle), the Examiner's supervisor (Jennifer Liversedge), and Applicants' representative (George Leavell)). Applicants generally concur with the substance of the interview set forth in the Interview Summary form dated August 3, 2009.

Rejection Under 35 U.S.C. § 112

Applicants respectfully request reconsideration of the rejection of claims 11 and 20 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the Examiner's position that the recitation that the claimed modules are executed by an integrated circuit constitutes new matter. Nevertheless, to expedite prosecution of the subject application as well as to respond to the section 101 rejection discussed in more detail below, Applicants have amended each of claims 11 and 20 to specify that the claimed modules are implemented as machine instructions stored on a computer-readable storage medium for execution by a processor. Accordingly, Applicants submit that claims 11 and 20 comply with the written description requirement of 35 U.S.C. § 112, first paragraph, and request that the rejection of these claims thereunder be withdrawn.

Rejection Under 35 U.S.C. § 101

Applicants respectfully request reconsideration of the rejection of claims 11 and 20 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. As noted

above, Applicants have amended each of claims 11 and 20 to specify that the claimed modules are implemented as machine instructions stored on a computer-readable storage medium for execution by a processor. Accordingly, Applicants submit that present claims 11 and 20 define statutory subject matter under 35 U.S.C. § 101, and request that the rejection of these claims thereunder be withdrawn.

Rejections under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 1, 2, 5, 6, and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication ("HP Trade-in: Overview") in view of *Ellenson et al.* ("*Ellenson*") (US 2003/0200151 A1) and *Seretti et al.* ("*Seretti*") (US 5,978,776). As will be explained in more detail below, the combination of the HP publication in view of *Ellenson* and *Seretti* would not have rendered the subject matter defined in independent claims 1 and 11, as amended herein, obvious to one having ordinary skill in the art.

Independent claim 1, as amended herein, defines a used article quotation method that includes, among other operations, determining whether a cash-out quote is in a preset allowable cash-out quote value range, and when it is determined that the cash-out quote is out of the preset allowable cash-out value range, sending quotation information including *an acceptance of the used article at the trade-in quote* and excluding the cash-out quote to a user computer. Independent claim 11, as amended herein, defines a used article quotation system that includes, among other features, a quotation information transmission module that implements functionality that corresponds to the above-discussed operations specified in present claim 1. In support of the obviousness rejection, the Examiner alleges that the foregoing features of present claims 1 and 11 are disclosed in the *Seretti* reference. Applicants respectfully traverse the Examiner's characterization of the *Seretti* reference relative to the claimed subject matter.

The *Seretti* reference discloses a vehicular data exchange system. In particular, the *Seretti* reference discloses the providing of a buy figure and an appraisal figure for a used item. In Paragraph 11 of the Final Office Action, it is stated that "Seretti discloses a number of automobile retailers/dealers who are provided the ability to provide appraisal and buy out quotations to the user. However if the dealer has no interest in the vehicle, it does not meet their criteria, then they do not provide a quote to the customer. This could indeed include a condition where the buy out quote must be within a certain range. Also, if the vehicle does not meet the dealers criteria that quote will be excluded in the quotation that is sent to the customer."

In the disclosure of *Seretti*, when a buy out quote of a vehicle is excluded and not sent to the customer, a dealer will not accept the vehicle because the vehicle does not meet the dealer's criteria. On the other hand, in the method of the presently claimed subject matter, the article will still be accepted at the trade-in quote, even when a buy out quote of an article is excluded and not sent to the customer. The *Seretti* reference neither discloses nor suggests anything about sending quotation information including *an acceptance of the used article at the trade-in quote* and excluding the cash-out quote to a user computer when it is determined that the cash-out quote is out of the preset allowable cash-out value range. As such, the *Seretti* reference does not provide support for the obviousness rejection of present claims 1 and 11.

In view of the foregoing, even if one having ordinary skill in the art were to have combined the HP publication, the *Ellenson* reference, and the *Seretti* reference in the manner proposed by the Examiner, this combination would not have resulted in a method or system that includes each and every feature of the subject matter defined in present claims 1 and 11 because of the above-discussed deficiencies of the *Seretti* reference relative to the claimed subject matter. Thus, the combination of the HP publication, the *Ellenson* reference, and the

Seretti reference would not have rendered the subject matter defined in present claims 1 and 11 obvious to one having ordinary skill in the art.

Accordingly, independent claims 1 and 11, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Ellenson* and *Seretti*. Claims 2, 5, 6, 9, and 10, each of which depends from claim 1, are likewise patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Ellenson* and *Seretti* for at least the same reasons set forth above with regard to claim 1.

Applicants respectfully request reconsideration of the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Ellenson* and *Seretti*, and further in view of Official Notice. Each of claims 3 and 4 ultimately depends from claim 1. The Official Notice taken by the Examiner does not cure the above-discussed deficiencies of the combination of the HP publication in view of *Ellenson* and *Seretti* relative to the subject matter defined in independent claim 1, as amended herein. Accordingly, claims 3 and 4 are patentable under 35 U.S.C. § 103(a) over the HP publication in view of *Ellenson* and *Seretti*, and further in view of Official Notice for at least the reason that each of these claims ultimately depends from claim 1.

Applicants respectfully request reconsideration of the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Ellenson* and *Seretti*, and further in view of the article by *Marshall* entitled "How Internet Cookies Work" ("the *Marshall* article"). Claim 7 ultimately depends from claim 1. The *Marshall* article does not cure the above-discussed deficiencies of the combination of the HP publication in view of *Ellenson* and *Seretti* relative to the subject matter defined in independent claim 1, as amended herein. Accordingly, claim 7 is patentable under 35 U.S.C. § 103(a) over the HP publication in view of *Ellenson* and *Seretti*, and further in view of the *Marshall* article for at least the reason that this claim ultimately depends from claim 1.

Applicants respectfully request reconsideration of the rejection of claims 12-14, 17, and 20 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Ellenson*, and further in view of Applicants' Own Admissions (AOA). As will be explained in more detail below, the combination of the HP publication in view of *Ellenson* and AOA would not have rendered the subject matter defined in independent claims 12 and 20, as amended herein, obvious to one having ordinary skill in the art.

Applicants have amended independent method claim 12 to specify that the server computer sets a fixed value regardless of the tentative quote to the firm price *including an acceptance of the used article at the firm price* in the case where the tentative quote is not greater than the predetermined value level criterion. This feature is neither disclosed nor suggested in any of the HP publication, the *Ellenson* reference, and AOA.

Applicants have amended independent system claim 20 along the same lines that claim 12 has been amended. As such, the arguments set forth above regarding present claim 12 also apply to present claim 20.

Thus, even if one having ordinary skill in the art were to have combined the HP publication, the *Ellenson* reference, and AOA in the manner proposed by the Examiner, this combination would not have resulted in a method or system that includes each and every feature of the subject matter defined in present claims 12 and 20. Thus, the combination of the HP publication, the *Ellenson* reference, and AOA would not have rendered the subject matter defined in present claims 12 and 20 obvious to one having ordinary skill in the art.

Accordingly, independent claims 12 and 20, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Ellenson* and AOA. Claims 13, 14, and 17, each of which depends from claim 12, are likewise patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Ellenson* and AOA for at least the reason that each of these claims depends from claim 12.

Applicants respectfully request reconsideration of the rejection of claims 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the HP publication in view of *Ellenson* and AOA, and further in view of *Seretti*. Each of claims 18 and 19 ultimately depends from claim 12. The *Seretti* reference does not cure the above-discussed deficiencies of the combination of the HP publication in view of *Ellenson* and AOA relative to the subject matter defined in present claim 12. Accordingly, claims 18 and 19 are patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Ellenson*, AOA, and *Seretti* for at least the reason that each of these claims ultimately depends from claim 12.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-7, 9-14, and 17-20, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. ITECP002).

Respectfully submitted,
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